GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA

UNSTARRED QUESTION NO:3585
ANSWERED ON:07.12.2016
Reform of Tribunals
Kesineni Shri Srinivas

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether there are any proposals for reform of tribunals;

(b) if so, the details thereof and the time frame for the same;

(c) whether there is any proposal to provide a unified administrative framework for all tribunals, thus removing problems of different procedures being followed by different tribunals;

(d) if so, the details thereof;

(e) whether there is a time frame by which the Government envisages to usher in tribunal reforms in the country; and

(f) if so, the details thereof?

Answer

ANSWER

MINSTER OF STATE FOR LAW AND JUSTICE AND ELECTRONICS AND
INFORMATION TECHNOLOGY
(SHRI P.P. CHAUDHARY)

a) to (f) Yes madam. With a view to bring about better governance and to reduce the number of Tribunals through merger/convergence, the Indian Law Institute (LI) was entrusted the task to make a study and to submit its report thereon.

ILI in its report considered 36 (Annexure) Tribunals and after assessing the purpose, function and scope of all these Tribunals, recommended as follows:
(i) 36 tribunals can be restructured through amalgamation to form the aforementioned 17 tribunals.

(ii) A single nodal Ministry can be entrusted to supervise the functioning of these tribunals. It is proposed that a separate department for tribunals may be created within the Ministry of Law & Justice in this regard.

(iii) The possibility of creating a National Tribunal Commission on the lines of United Kingdom model can be explored, wherein all tribunals function within unified body. Implementation of such a system in India would require a complete overhaul of the existing tribunal system. The possibility of constituting such a body to supervise all the tribunals was also suggested byte Department-Related Parliamentary Standing Committee on Personnel, Public Grievances, Law & Justice.

(iv) The feasibility of implementing this system cannot be determined at the moment as further research is required to determine the practicality of implementing such a system in India.

(v) In order to implement the proposed merger, it is extremely important that uniform service conditions are implemented for all the tribunals. The Tribunals, Appellate Tribunals and Other Authorities (Conditions of Service) Bill, 2014 made an attempt to bring about uniformity of service conditions in all the tribunals. However, this bill failed to address some pertinent issues.

To further discuss the issue, an Inter-Ministerial Group (IMG) under the chairmanship of Law Secretary was constituted by the Department of Legal Affairs vide OM dated 05.02.2016. The IMG examined the merger/convergence of 36 Tribunals on three parameters: (i) functional requirements; (ii) qualifications, and (iii) workload. The IMG has, inter alia, recommended reducing the 36 Tribunals to 18 Tribunals with the Department of Legal Affairs being the Nodal Agency. Thereafter, a three phase Action Plan for the proposed merger of Tribunals has been prepared in consultation with all the concerned administrative Ministries/Departments. This plan proposes that in the first phase, 23 Tribunals may be merged to 6; in second phase, 7 Tribunals may be merged to 3 and in third phase, possible option for 7 and other Tribunals may be finalized. A draft Note for the Cabinet has already been circulated to the concerned administrative Ministries/Departments of the Tribunals included in the first phase of Action Plan.

As on date, during the study undertaken by the Department of Legal Affairs and Inter-Ministerial Committees on Merger/ Conversions of Tribunals, the number of Tribunals has been reduced by 5. The Company Law Board, Board for Industrial and Financial Reconstruction and Appellate Authority for Industrial and Financial Reconstruction have been subsumed into NCLT & NCLAT, and two

Appellate Tribunals, namely the Appellate Tribunal for Prevention of Money Laundering and Appellate Tribunal for Forfeited Property (NDPS) have been converged by providing for those appeals to be heard by the Appellate Tribunal under SAFEMA through the Finance Act, 2016. Further, Ministry of Water Resources has already moved a Note for the Cabinet for merger of five Water Dispute Tribunals. Therefore, it has been decided that the merger of these five Water Dispute Tribunals may not be included in the first phase of the proposal.

With regard to the time frame for ushering in the tribunal reforms, It has been proposed :

(i) to introduce a Bill in the current session of the Parliament for amendments of relevant laws concerning Tribunals included in first phase for merger
(ii) to introduce a Bill in the Budget session of the Parliament for amendments of relevant laws concerning Tribunals included in second phase for merger.
(iii) possible option for 7 and other Tribunals may be finalized within nine months.

Annexure

Sl. No. Name of the Tribunal
Act of Parliament under which established
1. Airport Appellate Tribunal Airport Authority of India Act, 1994
2. Airport Economic Regulatory Authority Appellate Tribunal Airport Economic Regulatory Authority of India Act, 2008
3. Appellate Authority for Industrial and Financial Reconstruction Sick Industrial Companies (Special Provision) Act, 1985
4. Appellate Tribunal for Electricity Electricity Act, 2003
5. Appellate Tribunal for Foreign Exchange Foreign Exchange Management Act, 1999
6. Appellate Tribunal for Forfeited Property Narcotics Drug and Psychotropic Substances Act, 1985
7. Appellate Tribunal for Forfeiture of Property Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976
8. Appellate Tribunal for Prevention of Money Laundering Prevention of Money Laundering Act, 2002
9. Armed Forces Tribunal Armed Forces Tribunal, Act 2007
10. Authority for Advance Rulings (Central Excise, Customs and Service Tax) Customs Act, 1962
11. Authority for Advance Rulings (Income Tax) Income Tax Act, 1961 (S. 245 O)
12. Board for Industrial and Financial Reconstruction Sick Industrial Companies (Special Provision) Act, 1985
13. Cauvery Water Dispute Tribunal Article 262 , Inter- State Water River Disputes Act, 1956
14. Central Administrative Tribunals Administrative Tribunals Act, 1985
15. Customs, Excise and Service Tax Appellate Tribunal Customs Act, 1962
16. Central Sales Tax Appellate Authority Central Sales Tax Act, 1956
17. Company Law Board (replaced by National Company Law Tribunal and National Company Law Appellate Tribunal) Companies Act, 2013
18. Competition Appellate Tribunal Competition Act, 2002
19. Cyber Appellate Tribunal Information Technology Act, 2000
20. Debt Recovery Appellate Tribunal The Recovery of Debt Due to Banks and Financial Institutions Act, 1993
21. Debt Recovery Tribunal The Recovery of Debt Due to Banks and Financial Institutions Act, 1993
22. Employees, Provident Funds Appellate Tribunal Employees' Provident Funds and Miscellaneous Provisions Act, 1952
23. Film Certification Appellate Tribunal Cinematograph Act, 1952
24. Income Tax Appellate Tribunal Income Tax Act, 1961
25. Intellectual Property Appellate Tribunal Trade Marks Act, 1999
26. Krishna River Water Dispute Tribunal Article 262 , Inter-State Water River Disputes Act, 1956
27. Mahadayi Water Dispute Tribunal Article 262 , Inter-State Water River Disputes Act, 1956
28. National Consumer Disputes Redressal Commission Consumer Protection Act, 1986
29. National Green Tribunal National Green Tribunal Act, 2010
30. National Highways Tribunal Control of National Highways (Land & Traffic) Act, 2002
31. Railway Claims Tribunals Railway Claims Tribunal Act, 1987
32. Railway Rates Tribunals Railways Act, 1989
33. Ravi and Beas Water Dispute Tribunal Article 262 , Inter −State Water River Disputes Act, 1956
34 Securities Appellate Tribunal Securities and Exchange Board of India Act, 1992
35. Telecom Disputes Settlement and Appellate Tribunals Telecom Regulatory Authority of India Act, 1997.
36. Vansadhara River Water Dispute Tribunal Article 262 , Inter-State Water River Disputes Act, 1956